United Nations A/C.5/64/SR.23

General Assembly
Sixty-fourth session

Official Records

Distr.: General
1 July 2010

Original: English

## Fifth Committee

**Summary record of the 23rd meeting**
Held at Headquarters, New York, on Monday, 1 March 2010, at 3 p.m.

*Chairman*: Mr. Maurer ..... (Switzerland)
*Chairman of the Advisory Committee on Administrative and Budgetary Questions*: Ms. McLurg

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*The meeting was called to order at 3.10 p.m.*

**Expression of sympathy in connection with the recent earthquakes in Chile and Haiti**

1. **The Chairman**, on behalf of all the members of the Committee, expressed sympathy to the Governments of Chile and Haiti in connection with the recent earthquakes in their countries and condolences to the families of those who had lost their lives in the disasters, including many United Nations personnel who had been on mission in Haiti.

2. *At the invitation of the Chairman, the members of the Committee observed a minute of silence.*

**Organization of work** (A/C.5/64/L.27)

3. **The Chairman** invited the Committee to consider the proposed programme of work for the first part of the resumed sixty-fourth session, prepared on the basis of the note by the Secretariat on the status of preparedness of documentation (A/C.5/64/L.27).

4. **Mr. Al-Shahari** (Yemen), speaking on behalf of the Group of 77 and China, expressed concern at the late issuance of reports to be considered by the Committee, in violation of the six-week rule established by the General Assembly. The Secretary-General's report on accountability had been issued only one working day before the beginning of the resumed part of the session and the report of the Advisory Committee on Administrative and Budgetary Questions had not yet been issued. Such delays hampered the implementation of mandated activities and the work of the Fifth Committee. He requested the Secretariat to submit those reports without further delay and to explain why they had not been issued on time. The Group was prepared to endorse only the first week of the proposed programme of work, since adjustments to the programme might be required as the consultations progressed.

5. **Mr. Yáñez-Barnuevo** (Spain), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Iceland, Liechtenstein, the Republic of Moldova and Ukraine, welcomed the Bureau's decision to plan for completion of the Committee's work at the current part of the resumed session in three weeks, taking into account the anticipated workload.

6. At the main part of the sixty-fourth session, after intense negotiations, the Fifth Committee had successfully reached consensus on vital matters. Despite the financial difficulties currently faced by many Member States, they had agreed on a budget that remained within reasonable levels while providing the Organization with the necessary resources to fulfil its mandates. The Union welcomed the recognition by the General Assembly that the methodology for establishing the scales of assessments for both the regular budget and the financing of peacekeeping operations could be improved. It wished to move quickly to undertake the review processes stipulated in General Assembly resolutions 64/248 and 64/249.

7. With respect to the first part of the resumed session, the European Union was ready to discuss such important issues as the accountability framework, the Secretary-General's use of limited budgetary discretion and the five-year review of the activities of the Office of Internal Oversight Services (OIOS). Reiterating its commitment to an effective, efficient and transparent United Nations with clear lines of accountability, the Union stressed the need to move forward with management reform.

8. In order for Member States to duly consider issues and take informed decisions, it was crucial for the established time limits for the issuance of documents in all six official languages to be met. While there had been some improvement in that regard, the Secretary-General and the Advisory Committee should work to meet the deadlines and thus avoid the difficulties experienced at previous sessions. The European Union was prepared to engage in discussions with a view to achieving practical results at the current part of the resumed session, but might not consider reports that were submitted late.

9. **Mr. Muñoz** (Chile), speaking on behalf of the Rio Group, said that among the important items in the programme of work were the financing of the United Nations Institute for Training and Research (UNITAR), special political missions and conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as revised estimates related to the Emergency Preparedness and Support Unit.

10. The Rio Group supported the work of UNITAR, particularly its training courses for diplomats. It wished to have updated information on the additional resources requested by the Secretary-General in 2009 and hoped to find a funding solution that would be acceptable to all Member States. The Group would carefully examine the Secretary-General's proposals on his limited budgetary discretion and on the accountability framework, keeping in mind that accountability and flexibility must go hand in hand.

11. The Rio Group was concerned by the fact that the national competitive examination, which had been postponed since 2009, had not yet been reinstated. Furthermore, Member States had not approved the implementation of a Young Professionals Programme in 2010, as proposed by the Office of Human Resources Management. The national competitive examination must continue to meet existing standards; any proposed change must be thoroughly discussed by the General Assembly.

12. **Mr. Sial** (Pakistan) said that, while he was grateful for efforts to improve the timely issuance of documentation, important reports were still being issued very late, which forced Member States and the Advisory Committee to work under time pressure and affected the quality of the Fifth Committee's deliberations. The factors causing the late issuance of documents must be fully addressed and the Bureau should continue to adjust the programme of work to take account of the availability of reports.

13. To maximize the efficiency of the Fifth Committee's informal consultations, reports should be comprehensive and should contain all relevant information requested by the General Assembly. The piecemeal approach adopted by the Secretariat in making proposals was a matter of concern, as the fragmented presentation of information failed to address the issues raised by Member States in General Assembly resolutions. That led to requests for additional information, which hampered timely and informed decision-making by the Committee and increased costs. He urged the Secretariat to improve the quality of its reports.

14. **Mr. Sugiyama** (Japan) said that his delegation attached great importance to the safety and security of United Nations personnel, including in the field, where staff members had been the victims of terrorist acts. As the General Assembly had yet to receive the Secretary-General's full proposals on safety and security, he wished to hear the Secretariat's views and any plans for the future.

15. The key to ensuring accountability was not to establish a new system but to ensure that the Secretariat administered itself properly under the existing framework provided by the Charter, resolutions of the Organization's legislative bodies, and the regulations and rules. An effort should be made during the first part of the resumed session to achieve feasible and practical improvements in the management of the United Nations.

16. He expressed grave dissatisfaction at the Secretariat's failure to resume the national competitive recruitment examination, which had been suspended, thus barring an important path to recruitment for young people worldwide who aspired to work at the United Nations.

17. As it deliberated on items whose consideration had been deferred from the main part of the session, the Committee should avoid repeating earlier discussions and should instead engage in forward-looking debate.

18. **The Chairman** said that he took it the Committee wished to approve the first week of the proposed tentative and provisional programme of work on the understanding that it would be adjusted by the Bureau as necessary during the course of the session.

19. *It was so decided.*

**Agenda item 138: Joint Inspection Unit** (A/64/34, A/64/642 and A/64/667)

20. **Mr. Biraud** (Chairman, Joint Inspection Unit), introducing the report of the Joint Inspection Unit (JIU) for 2009 and the programme of work for 2010 (A/64/34), said that, while the Unit appreciated the General Assembly's acknowledgment, in its resolution 63/272, of the JIU strategic framework for 2010-2019, unfortunately that acknowledgement had not translated into the necessary increase in resources. The Unit had therefore adjusted its programme of work accordingly. As a result, it would be unable to implement the intended increase in management and administration reviews, and would instead be reducing them from five to two for 2010. On that basis, each organization would be covered only once every 12 years.

21. In 2009, despite serious staff shortages, the Unit had produced nine reports, including three directly requested by legislative bodies, as well as two notes and two management letters. A majority of the projects completed in 2009, as well as most of those to be undertaken in 2010, focused on system-wide issues of interest, as requested in General Assembly resolution 62/246.

22. The first issue requiring the Committee's attention was the follow-up given to the Unit's recommendations. Information gathered using the manual follow-up system established pursuant to General Assembly resolution 60/258 had now been obtained for a sufficient number of triennial periods to allow meaningful comparison and the identification of trends. That information was set out in section E of the report (A/64/34).

23. Less than 60 per cent of the system-wide reports and notes addressed for action to participating organizations between 2006 and 2008 had been considered by the organizations in question, a slight decrease following the significant progress observed earlier. More positively, however, the average rate of implementation of the recommendations contained in system-wide reports and notes had increased from 38 per cent to 50 per cent over the last three triennial periods. In the case of single-organization reports and notes, the acceptance rate for 2006-2008, as at the end of 2009, had been stable at 64 per cent. No information had been provided for 13 per cent of the recommendations and 14 per cent of all recommendations had been rejected. For 2008 alone, the acceptance rate stood at a particularly encouraging 82 per cent, while rejected recommendations had fallen to 5 per cent, and the implementation rate for accepted recommendations had tripled to 67 per cent, not including the 22 per cent of recommendations for which implementation was in progress.

24. Those data confirmed that follow-up needed to focus primarily on the consideration by the participating organizations of the reports and associated recommendations, as the status of recommendations that were under consideration or for which no information had been provided was unclear. Furthermore, it was unacceptable for a governing body, having considered a report, to merely "take note" of recommendations; such an outcome did not constitute concrete action pursuant to General Assembly resolution 63/272.

25. The failure of five organizations, namely the International Atomic Energy Agency (IAEA), the International Telecommunication Union (ITU), the United Nations Environment Programme (UNEP), the World Tourism Organization (UNWTO) and the World Intellectual Property Organization (WIPO), to provide information on action taken would shortly be discussed with their executive heads. Furthermore, the performance of the United Nations and the failure of the General Assembly to discuss the Unit's reports in recent years were unacceptable.

26. The Unit trusted that the new responsibilities given to the Management Committee, as well as the resolve shown by the Under-Secretary-General for Management, would lead to a radical change in that situation. It was important to clarify that the secretariat of each participating organization was permanently mandated by article 11.4 of the JIU statute, as well as by General Assembly resolution 54/16, to transmit any report or recommendation to its legislative body for action and to organize its discussion. In that connection, although the General Assembly, in its resolutions 62/246 and 63/272, had requested the Secretary-General to report on the expected provision of support to the Unit by the secretariats of the participating organizations in the preparation of its reports, notes and confidential letters, and the consideration of and action on the Unit's recommendations, the note by the Secretary-General on the report of JIU for 2009 (A/64/642) actually focused on the activities of the secretariat of the United Nations System Chief Executives Board for Coordination (CEB). Some secretariats did prepare useful documents summarizing the Unit's reports and recommendations; however, not all of them invited their legislative bodies to discuss and take action on them.

27. The feasibility study for a web-based follow-up system, requested in General Assembly resolution 62/246, had recently been completed and a request for proposal could now be issued. The project was estimated to require 250 working days of programming, over a 6-month period, at a projected cost of between $200,000 and $250,000, and its development could be shared with other interested United Nations oversight bodies. Once the project had been funded and implemented, it would be possible for any delegate to check online whether a particular JIU report or recommendation had been considered, accepted and implemented.

28. The Unit's second main area of concern related to paragraph 8 of General Assembly resolution 63/311, introduced on the last day of the sixty-third session of the General Assembly and adopted without reference to the Fifth Committee. In that paragraph, which implied possible significant future costs, the General Assembly requested the Secretary-General to propose modalities for the establishment of an independent system-wide evaluation mechanism to assess system-wide efficiency, effectiveness and performance, bearing in mind the evaluation functions carried out by respective United Nations organizations, the Joint Inspection Unit and the United Nations Evaluation Group. In paragraph 19 of the same resolution, the General Assembly requested the Secretary-General to urgently undertake arrangements for an independent evaluation of lessons learned from efforts to increase coherence in country-level programming. Five months previously, however, the General Assembly had adopted resolution 63/272, reaffirming the unique role of the Joint Inspection Unit as the only external and independent system-wide inspection, evaluation and investigation body.

29. The Unit, which certainly recognized the need to increase resources for system-wide evaluations of joint operational activities, had responded to resolution 63/311 by sending a letter to the Secretary-General to assure him that JIU was committed to being part of the transparent system-wide process that might be developed in response to the General Assembly's requests; however, it had received no reply to that letter. On 23 December 2009, through the Chair of the United Nations Evaluation Group, the Unit had received a note from the CEB secretariat dated 22 December 2009, entitled "Proposal for the establishment of an independent system-wide evaluation mechanism — Draft prior to consultation"; the Unit had expressed the view that no such proposal should be prepared without full discussion in the United Nations system.

30. The CEB proposal revived an initiative proposed three years previously by the Evaluation Group but not accepted at the time by CEB members. Feedback from the membership of the Evaluation Group about the new proposal was very negative, echoing the Unit's concerns. The current proposal, the main thrust of which was paradoxically set out in the report of the Secretary-General on follow-up to General Assembly resolution 63/311 (A/64/589), had been developed without consultation with JIU and took for granted that a new unit was the only appropriate response to the request made in that resolution.

31. Full reflection on the issue should cover elements such as the role of the existing evaluation and reporting relationships, functions and capacities in the United Nations system, their impact in terms of results-based management, and their real independence. That could then lead to the consideration of a range of options, rather than the single proposal made by CEB. The creation of a new unit would duplicate the mandate and work of JIU, as well as the work of existing evaluation offices, and would be the least cost-effective and efficient response. Furthermore, the Independent Audit Advisory Committee (IAAC) had strongly advised against adding more oversight structures. The CEB proposal also ran counter to the thrust of General Assembly resolution 62/208, which emphasized national ownership and the need to strengthen national evaluation capacities. Rather than creating a new oversight body, it would be more effective to address the lack of utilization of and follow-up to the many evaluations already undertaken and encourage greater collaboration in respect of system-wide issues. The current situation also confirmed the relevance of the Unit's recent calls for increased resources for its system-wide evaluation function and the need for accountability. It would be strategically dangerous to accept the proposals set out in chapter III of the report of the Secretary-General (A/64/589) and embark on an unknown course of action at an unknown cost.

32. **Mr. Herman** (United Nations System Chief Executives Board for Coordination), introducing the note by the Secretary-General on the report of the Joint Inspection Unit for 2009 (A/64/642), said that the note had been prepared pursuant to General Assembly resolution 63/272, paragraph 11, which requested the Secretary-General to expedite the implementation of that resolution, including by providing support to the Unit. The Chief Executives Board remained dedicated to assisting JIU in the performance of its critical function.

33. The Unit's increasing focus on system-wide issues had led to closer collaboration between CEB and JIU. In particular, a comprehensive exercise led by CEB had again helped to identify topics that the Unit might consider adding to its programme of work for the year. CEB also continued to work closely with JIU in the preparation of its reports, mostly by facilitating input from other organizations. On several occasions it

had worked with the Unit to compile and circulate comments on draft reports, in order to ensure a more comprehensive and agreed outcome.

34. Furthermore, CEB had sought to produce its companion reports to the Unit's system-wide reports more rapidly. The statute of the Unit required CEB to complete such reports within six months. In the past, the need for extensive consultation had occasionally made it impossible to meet that deadline. CEB had taken steps to ensure that it received the Unit's reports shortly after their issuance, and had urged organizations to provide their comments in a more timely manner. The high-level committees of CEB continued to discuss the issue of closer coordination between member organizations and JIU, while the CEB secretariat continued to call on organizations to ensure a good information flow between themselves and JIU and to coordinate action on the Unit's recommendations and programme of work. Such actions, in addition to increased informal contacts, had markedly improved cooperation between the Unit and CEB.

35. **The Chairman** drew the Committee's attention to the note by the President of the General Assembly on procedures for the appointment of inspectors of the Joint Inspection Unit (A/64/667).

36. **Mr. Al-Shahari** (Yemen), speaking on behalf of the Group of 77 and China, said that the Group greatly valued the work of the Joint Inspection Unit as the only independent external oversight body of the United Nations system and was pleased to note the improvements in working methods that the Unit had achieved over the years. It welcomed the ongoing internal reforms and urged the Unit to intensify those efforts. The Group fully supported the JIU strategic framework for 2010-2019, approved previously. It would therefore be seeking clarification from the Controller as to why the proposed programme budget for the biennium 2010-2011 did not provide the necessary resources for the Unit to implement its annual programme of work in line with that framework. It stood ready to consider the requisite resources for JIU at the appropriate time.

37. **The Group** encouraged the Unit to continue and strengthen its consultations with all stakeholders when designing its programme of work, in order to ensure that it focused on issues of high priority, relevance and impact. The Unit should also continue to cooperate actively with other oversight bodies, such as the Board of Auditors and the Office of Internal Oversight Services, in order to avoid duplication. Although the Group supported measures to strengthen system-wide evaluation, care should be taken to guard against the establishment of multiple structures that would lead to duplication of effort. Instead, JIU should be strengthened, as it already had the requisite mandate, independence, expertise and experience. In that connection, the Group, reiterating that, according to General Assembly resolution 63/272, JIU was the only external and independent system-wide inspection, evaluation and investigation body, emphasized that the mechanism to be established pursuant to General Assembly resolution 63/311 should not lead to the creation of a new unit that would duplicate the mandates of existing entities. The fundamental approach should be to avoid conflicts of interest and safeguard the independence of the evaluation function.

38. The Group was concerned at the unacceptable pattern of slow implementation, or non-implementation, of accepted recommendations. It would be seeking clarification on that issue during forthcoming discussions on the accountability framework. In the meantime, the managements of the respective participating organizations should expedite full implementation of all accepted recommendations, through the relevant mechanisms established by the Secretary-General and CEB. Noting the need for more effective follow-up to the Unit's recommendations, the Group welcomed the feasibility study on the web-based follow-up system and called for implementation as soon as possible.

39. The Group recalled that the General Assembly, in its resolution 63/272, had requested the Secretary-General to expedite the appointment of the Executive Secretary of the Joint Inspection Unit after consultation with the Unit and the Chief Executives Board, in full accordance with article 19 of the JIU statute and the relevant General Assembly resolutions. In that connection, it reiterated its concerns about the circumstances surrounding the appointment of the Executive Secretary of the Unit in 2009. Furthermore, noting the regrettable difficulties and delays experienced by some JIU inspectors and secretariat staff in obtaining visas for official travel, it urged all Member States to refrain from interfering in the Unit's affairs and to facilitate, without conditions, the

documentation that those inspectors and staff members needed to undertake the tasks assigned to them.

40. **Mr. Peralta-Momparler** (Spain), speaking on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia and Ukraine, said that the European Union recognized the role of the Joint Inspection Unit as the only independent external oversight body of the United Nations system. It welcomed the reforms of working procedures undertaken by the Unit and encouraged it to continue its efforts to that end.

41. **Mr. Coffi** (Côte d'Ivoire), speaking on behalf of the Group of African States, reiterated the Group's full support for the important work of the Joint Inspection Unit as the sole system-wide external oversight body in the United Nations system and welcomed the Unit's efforts to reform its working methods. All entities should expedite their implementation of recommendations by the Unit and other United Nations oversight offices in order to improve efficiency, performance and accountability. The Group would seek further information on the implementation of General Assembly resolution 62/246, including the decision to implement a system of follow-up to the Unit's recommendations. It hoped that the activities proposed in the Unit's next programme of work, most of which dealt with system-wide issues, would help strengthen cooperation between United Nations entities and the Unit, which would in turn improve the rate of implementation of its recommendations.

42. Noting that the Unit's current programme of work had been adjusted to bring it into line with available resources, the Group called for the Assembly to provide the Unit with the resources it required to fulfil the mandates set out in its strategic framework for 2010-2019. It welcomed the collaboration between the Unit and other oversight bodies.

43. The Group regretted the protracted manner in which the appointment of the Unit's Executive Secretary had been handled. Problems faced by its officials in obtaining visas were unfortunate and amounted to interference with its work; the Group urged all Member States to facilitate that work unconditionally.

*The meeting rose at 4.35 p.m.*